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No. 07-1508

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

SUE WALSTON,

Petitioner

v.

LARRY WALSTON, WILLIAM V. DUNNAM, JR., C. VANCE DUNNAM, JAMES R. DUNNAM, J. ROBERT ANGEL, DUNNAM & DUNNAM, LLP AND CENTRAL TRANSPORTATION SYSTEMS

Respondents

On Petition for Writ of Certiorari To
The Court of Appeals For The Tenth District of Texas
At Waco, Texas

PETITIONER'S SUPPLEMENTAL BRIEF

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SUPPLEMENTAL BRIEF

1. New petitions filed raising same complaint.

Since the original filing of Sue Walston's petition in this Court, two other cases have been filed here raising basically the same complaint. That the petitioners have been deprived of their Fourteenth Amendment right to due process because state court judges who heard their cases had accepted campaign contributions from parties with an interest in the outcome of the case.

Caperton, et al v. Massey, et al, 08-22, is a West Virginia case filed here on July 2, 2008, and *Dupre v. Telxon, et al*, 08-41, is an Ohio case filed on July 7, 2008. That there are three cases from three different states currently pending in the Court on the same issue supports Petitioner's contention that her case presents an important and recurring constitutional question about Due Process rights. The number of *amicus curiae* briefs filed in support of the *Caperton* case which has received a great deal of press attention is a further indication that the issue has become one of national concern.

Both Caperton and Dupre complain specifically of the appearance of bias where presiding judges had accepted substantial contributions from parties with an interest in their cases and, along with supporting *amici*, invite the Court to clarify the boundaries of due process by applying a 'how much is too much to be constitutionally intolerable' standard to judicial campaign contributions. But this approach literally necessitates a case-by-case examination. Hardly likely to resolve the issue, and most likely to spawn

still more controversy.

In her petition, Walston cites a survey sponsored by the Texas Supreme Court which found that 83% of Texas adults, 69% of court personnel, 79% of Texas lawyers and 48% of Texas judges believe that campaign contributions impacted judicial decisions "very" or "fairly" significantly. Pet. at 11. *Caperton*, *Dupre* and *amici* have cited surveys from several different states indicating similar results. Dupre Pet. at 30-31, CED amicus brief at 7, ABA amicus brief at 7-9 see notes. Nowhere in any of these surveys do participants indicate their belief that it is only high dollar contributions that impact judicial decisions.

Petitioner urges the Court to review her case, along with *Caperton* and *Dupre*, under the broader, and much more easily defined, approach of whether due process can be protected at all so long as any money is changing hands.

2. Recent campaign disclosure filings reveal further contributions by interested parties.

Campaign disclosure forms filed with the Texas Ethics Commission indicate that all of the attorneys representing respondents in this case have contributed to state appellate and supreme court justices' campaign and officeholder accounts in previous recent election cycles that overlapped the period when Petitioner's case was pending in those courts.

Campaign disclosure forms filed on July 15, 2008, indicate that attorneys for respondent Central Transportations Systems contributed substantial

amounts to the campaigns of at least two state supreme court justices just weeks before her motion for rehearing in that case was denied further clouding the outcome of the case with the appearance of partiality shown to contributors.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

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September 18, 2008